

7. A. *terrorism*

OLL #
84-0472

9 February 1984

MEMORANDUM FOR: Clair George

FROM: Stanley Sporkin

SUBJECT: Antiterrorism Legislation

1. Attached is a reworked version of the Justice Department's draft "Terrorist Control Act of 1984" which would substantially alleviate our concerns over this legislation.

2. The changes involve moving the proposed new section of the Criminal Code from Chapter 45 of Title 18, U.S.C. (Foreign Relations) to Chapter 51 (Homicide) and the addition of a definition of the term "person".

3. As you know, Fred Ikle at the Department of Defense is anxious to have our proposals and we also should get it to the Department of Justice as soon as possible.

4. Please let me know as soon as you have obtained the DDCI's approval for forwarding the proposal.

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Stanley Sporkin

A bill to provide penalties for various acts of terrorism, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. This Act may be cited as the "Terrorist Control Act of 1984".

SEC. 2. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section: "1118. Conspiracy to kill, kidnap, or maim in a foreign country

"(a) Any person who conspires with one or more other persons to commit at any place outside of the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall, if he or one of such other persons in fact commits any overt act within the United States with intent to effect any object of the conspiracy, be punished as provided in subsection (b).

"(b) The punishment for an offense under subsection (a) of this section is --

"(1) imprisonment for any term of years or for life or a fine of not more than \$250,000, or both, if the offense is conspiracy to murder;

"(2) imprisonment for not more than thirty years or a fine of not more than \$250,000, or both, if the offense is conspiracy to kidnap; and

"(3) imprisonment for not more than twenty years or a fine of not more than \$250,000, or both, if the offense is conspiracy to maim."

"(c) As used in this section, the term 'person' means any individual acting on his or her own behalf or on behalf of (1) a foreign government or any component thereof, whether or not recognized by the United States; (2) a faction of a foreign nation or nations; (3) an entity directed or controlled by a foreign government or governments or by a faction of a foreign nation or nations; (4) a foreign or domestically-based political organization; or (5) a group engaged in international terrorism or activities in preparation therefor."

SEC. 3. The analysis of chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1118. Conspiracy to kill, kidnap, or maim in a foreign country."